

REMARKS

Amendments to the Specification

The first amendment to the specification, whereby the paragraph which begins on page 10 is modified, merely rephrases the question into statements of both alternatives of the question. Additionally, the amendment draws support from Figure 2 and the related disclosure. For this reason, the applicant believes that no new matter has been presented.

Anticipation Rejection of Claims 1 – 16, and 31

The Examiner rejected Claims 1-16 and 31 under U.S.C. § 102(e) as being unpatentable over Gutfreund (U.S. Patent No. 6,665,835). All of these claims have been amended to recite time markers which are outside of the streaming media file. The amendment draws support from Figure 6A and the related disclosure (e.g. p.12, lines 12-24). “The apparatus of the invention, as well as the associated methods, utilize non-destructive techniques to synchronize media files, wherein static media files and transcript files synchronization to a streaming media file occurs without any destructive changes being made to the streaming media file itself.” (p. 6, lines 1-6)

As noted by the Examiner, the Gutfreund patent embeds the time markers into the streaming media file. Figure 3 of the Gutfreund patent illustrates the combination of the time stamps with the video data into an output file. “Using Netshow, the AVI file and the time stamp logfile are combined to create the required ASF file 340.” (Gutfreund, Col. 5, Lines 50 – 51). Additionally, Figure 5 of the Gutfreund patent highlights the embedding of the time stamps within the video data stream in the step labeled “generate video stream with encoded time stamps 530.” “Having the appropriate video and corresponding related content now being properly time-stamped, a video stream is generated at step 530 with the time stamps now encoded in the AVI movie.” (Gutfreund, Col 7, Lines 38-41).

Only the present Application recognizes the advantages of using external time markers. “[T]he invention enables changes to be made to a mixed-media presentation without creating a new video data file.” (Page 3, Lines 15 – 16) This avoids the situation where “if it is desired to reuse some portion of the previous files, then the user must start from scratch and embed new data into a fresh video data file.” (Page 3, Lines 2 - 5) Thus, processing time is substantially reduced. “The apparatus of the invention, as well as the associated methods, utilize non-

destructive techniques to synchronize media files, wherein static media files and transcript files synchronization to a streaming media file occurs without any destructive changes being made to the streaming media file itself.” (Page 6, Lines 1 – 5).

The amendments to the independent Claims 1, 9, and 31 clarifies that the time markers are outside of the streaming media file. Specifically, Claim 1 has been amended to recite “querying the streaming output for a time marker to be stored outside of the streaming media file”. There is no suggestion in Gutfreund of using timestamps which are not embedded in the video file.

Claim 9 has been amended to recite “querying the streaming output for at least one time marker upon receiving an input, wherein the time marker is stored outside of the streaming media file”. As pointed out by the Examiner, the Gutfreund patent uses embedded time markers. As discussed above, Gutfreund does not teach the use of time stamps which are not embedded within the video file. Thus, the Gutfreund patent cannot anticipate Claim 9 and its dependents.

Claim 31 has also been amended to recite “query the first streaming media file for a synchronization point upon receiving an input, wherein the synchronization point is stored outside of the streaming media file.” As discussed above, Gutfreund specifically teaches the use of embedded time stamps.

Obviousness Rejections of Claims 17 – 24

The Examiner rejected Claims 17 - 24 under U.S.C. § 103(a) as being unpatentable over Gutfreund (U.S. Patent No. 6,665,835) in view of Srinivasan, et al., U.S. Patent No. 6,357,042., filed on Jan 22, 1999 (hereinafter Srinivasan).

Examiner states that Srinivasan “discloses a method in adding static metadata to a streaming media presentation can be accomplished by using a timestamp based on video frames.” However, as stated by Examiner, the Srinivasan reference uses embedded markers, like the Gutfreund reference. “The authoring stations annotate created metadata with presentation time stamps (PTS) from the main video stream, and the multiplexer relates the metadata to the main video stream by the PTS signatures.” (Srinivasan, abstract) According to Srinivasan, “A digital PTS is an integral part of substantially all digital video formats, and when dealing in digital video streams for purposes of this invention the digital PTS may be used.” Thus, the PTS is embedded in the video stream of the Srinivasan method.

Claims 17 and 21 have been amended and are not met by the embedded markers taught by Gutfreund and Srinivasan. Claim 17 recites “storing the unique address of the sync frame in a content definition file outside of the streaming media file.” Claim 21 recites “querying the streaming output for a sync frame upon receiving an input, wherein the sync frame is stored outside of the streaming media file.” As discussed above, both references teach only the use of a video stream with embedded time stamps.

Thus, Applicant submits that Claims 17, 18, 21, and 23 are now in condition for allowance. Claims 19, 20, 22, and 24 were cancelled due to conflicts with the underlying independent claims and antecedent error.

Obviousness Rejections of Claims 25-30

The Examiner rejected Claims 17 - 24 under U.S.C. § 103(a) as being unpatentable over Gutfreund (U.S. Patent No. 6,665,835) in view of Microsoft Press Computer Dictionary, published in 1997. Claims 25-30 have been cancelled, and thus the rejections have become moot.

New Claims

Applicant has also added Claims 32-40 to better protect the subject matter of the application. Applicant submits that the amendments are fully supported by the application as filed (*see, e.g.*, p. 15, lines 3-6; p. 17, lines 1-6). Accordingly, Applicant submits that the new claims add no new matter.

The independent Claim 32 recites “producing at least one streaming media file synchronization point external to the streaming media file upon receiving an input by a user.” As described above, only the present Application recognizes the advantages of using external time markers. “[T]he invention enables changes to be made to a mixed-media presentation without creating a new video data file.” (Page 3, Lines 15 – 16) This avoids the situation where “if it is desired to reuse some portion of the previous files, then the user must start from scratch and embed new data into a fresh video data file.” (Page 3, Lines 2 - 5) Applicant submits that the newly presented claims are in condition for allowance.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 27, 2004

By: Adeel S. Akhtar
Adeel S. Akhtar
Registration No. 41,394
Attorney of Record
Customer No. 20,995
(415) 954-4114

W:\DOCS\BCL\BCL-1385.DOC
072004